

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior in relation to proposed legislation for the sale of the Otoe and Missouri Indian Reservation in the States of Nebraska and Kansas.

JANUARY 18, 1882.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives :

I transmit herewith a communication from the Secretary of the Interior with draft of a bill, and accompanying papers, amendatory of the act of March 3, 1880, for the sale of the Otoe and Missouri Indian Reservation in the States of Nebraska and Kansas.

The subject is presented to the consideration of Congress.

FORWARDED BY THE SECRETARY

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
January 18, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, January 16, 1882.

SIR: I have the honor to submit herewith, in duplicate, for your consideration, draft of proposed legislation amendatory of the act of March 3, 1880, for the sale of the Otoe and Missouri Indian Reservation in the States of Nebraska and Kansas.

The act noted, which will be found upon page 380 of vol. 21, U. S. Stats., was deemed by me to be inoperative, inasmuch as it failed to provide for the necessary expenses incident to the carrying out of certain of its provisions. The Commissioner of Indian Affairs was requested to present such draft of proposed legislation as in his opinion might be necessary in the premises; and his letter of transmittal will be found herewith.

The proposed bill forwarded by the Commissioner of Indian Affairs has my approval, and I respectfully request that it and the accompanying papers may be transmitted for the consideration of Congress.

I have the honor to be, sir, very respectfully, your obedient servant,
S. J. KIRKWOOD,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 20, 1881.

SIR: Referring to department letter of December 10, 1881, in the matter of the sale of the Otoe and Missouri Reservation in Nebraska and Kansas, under the act of March 3 last, I have the honor to transmit herewith a draft of a bill providing for such amendment of the act referred to as the necessities of the case seem to demand.

No provision is made in said act for expenses incident thereto, nor for the appraisal and sale of the valuable improvements upon the said reservation belonging to the government or to members of the confederated tribes who desire to remove with their tribe to their new home in the Indian Territory. Neither is there any proper protection provided for such as having in good faith made selection and location of lands on their reservation, and placed valuable improvements thereon, desire to remain in the enjoyment of them.

The amended bill, as submitted, provides for these requirements, and also for the sale by private entry of all lands remaining unsold at the expiration of one year from the approval of the appraisement thereof.

It further provides that the register and receiver, through whom the lands are to be sold, shall each be entitled to receive a fee of one dollar, to be paid by the settler or purchaser, as the case may be, at the time of filing his application.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Honorable the SECRETARY OF THE INTERIOR.

A BILL to amend an act entitled "An act to provide for the sale of the remainder of the reservation of the Confederated Otoe and Missouri tribes of Indians in the States of Nebraska and Kansas, and for other purposes," approved March third, eighteen hundred and eighty-one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth section of the act entitled "An act to provide for the sale of the remainder of the reservation of the Confederated Otoe and Missouri tribes of Indians in the States of Nebraska and Kansas, and for other purposes," approved on the third day of March, eighteen hundred and eighty-one, be amended so as to read as follows:

"SEC. 4. That the proceeds of the sale of said lands, after paying all expenses incident to, and necessary for carrying out the provisions of this act, including such clerk hire as the Secretary of the Interior may deem necessary, shall be placed to the credit of said Indians in the Treasury of the United States, and shall bear interest at the rate of five per centum per annum, which income shall be annually expended for the benefit of said Indians, under the direction of the Secretary of the Interior, for the period of — years, after which the President may direct the payment of the principal sum to said Indians in one or more payments, as he may deem best for their interest: *Provided*, That if the President shall direct the payment of said principal sum in installments the unpaid portions thereof shall continue to draw interest until paid."

SEC. 2. That in addition to the appraisement of the lands as provided for in the said act of March third, eighteen hundred and eighty-one, the Secretary of the Interior is authorized to cause to be appraised by the commissioners whose designation is contemplated in the second section of the said act, all valuable improvements of whatsoever character upon the said reservation, distinguishing between improvements made by members of the said confederated tribes and such as belong to the United States; and the said Secretary shall cause to be sold at public auction, after due advertisement, to the highest bidder, for cash, the buildings and other movable improvements upon the said reservation, belonging to the United States, together with the land upon which they are situated, in quantity not exceeding one hundred and sixty acres to any one person: *Provided*, That none of said buildings or other improvements or the land upon which they are situated shall be sold at less than the appraised value thereof.

SEC. 3. That if any member of the said confederated tribes residing at the date of the aforesaid act of March third, eighteen hundred and eighty-one, on any of the lands authorized to be sold by said act, and who has made improvements of not less than fifty dollars in value, now desires to remove with his tribe to their new home in the Indian Territory, or has already so removed, such improvements shall be sold, together with the land upon which they are situated, after due advertisement, to the highest bidder, for cash, in quantity not exceeding one hundred and sixty acres to any one person, and at not less than the appraised value thereof: *Provided*, That the purchaser of improvements under this section shall pay the appraised value of such improvements to the Commissioner of Indian Affairs, to be by him paid to the person en-

titled thereto: *And provided further*, That no patent shall issue for any of the lands upon which such improvements are situated, until full payment for such improvements has been made as herein provided: *And provided further*, That the lands and improvements, provision for the sale of which is made in sections two and three of this act, may be sold on deferred payments in the same manner and upon the same terms and limitations as is provided for the sale of lands to actual settlers in the act of March third, eighteen hundred and eighty-one.

SEC. 4. That if any member of the said confederated tribes residing at the date or the aforesaid act of March third, eighteen hundred and eighty-one, upon any of the lands authorized to be sold by said act, and who has made valuable improvements thereon, shall elect to remain on the lands now occupied by him or her, the Secretary of the Interior shall cause a patent to issue to the person so electing, for one hundred and sixty acres of land, to include his or her said improvements: *Provided*, That the lands acquired by any Indian under the provisions of this section shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance by the grantee or his heirs, or by the judgment, order, or decree of any court, or subject to taxation of any character, but shall remain inalienable, and not subject to taxation, lien, or incumbrance for the period of — years, which restriction shall be incorporated in the patent.

SEC. 5. That all the lands remaining unsold at the expiration of one year from the approval of the appraisement, by the Secretary of the Interior, shall be subject to private sale, for cash, at not less than the appraised value thereof, and in tracts of not exceeding one hundred and sixty acres to any one person, and subject to the provisions of this act relating to improvements upon said lands: *Provided*, That no settlement shall be required upon the lands purchased under the provisions of this section.

SEC. 6. That the register and receiver of the United States land office at Beatrice, Nebraska, through which office the lands are to be sold, shall each be entitled to receive a fee of one dollar, to be paid by the settler or purchaser, as the case may be, at the time of filing his application, and to be reported and accounted for by the receiver, as in the case of other public moneys.

SEC. 7. That the fifth section of the act of March third, eighteen hundred and eighty-one, aforesaid, shall be, and the same is hereby, amended so as to read as follows:

"SEC. 5. That the Secretary of the Interior may, with the consent of the Indians, expressed in open council, secure other reservation lands upon which to locate said Indians, cause their removal thereto, and expend such sum as may be necessary for their comfort and advancement in civilization, not exceeding one hundred thousand dollars, including cost of surveys, appraisement, and sale, and expense of removal, the same to be drawn from the fund arising from the sale of their reservation lands under the act approved August fifteenth, eighteen hundred and seventy-six:" *Provided*, That the commissioners to be appointed by the Secretary of the Interior under the provisions of section two of the act of March third, eighteen hundred and eighty-one, shall each receive in lieu of compensation and expenses the sum of eight dollars per day while actually engaged in the performance of the duties designated by said act.